IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.363 OF 2007

Shankar Moriani & Ors. ..Petitioners

Vs.

State of Maharashtra & Ors. ..Respondents

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Mr.Vivek Kantawala i/b M.M.Legal & Associates for Petitioners
Ms.S.V.Gajre A.P.P. for the State
Mr.M.Monteiro for Respondent No.3
Mr.R.S.Mittal Representative for Respondent No.3 -Company present

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : MARCH 5, 2007

P.C.

1. Heard the learned counsel for the petitioners-original accused nos.1, 5 to 8, the learned A.P.P. for the State and the learned counsel for the respondent no.3-original complainant.

2. The petitioners are seeking to quash MECR No.10 of 2004 which is being investigated by Crime Control Branch C.I.D. The said case is numbered as 368/M/2004 and it is pending before the learned

Metropolitan Magistrate, 28th Court, Esplanade, Mumbai. In the said case, the learned Magistrate issued directions to the police to investigate under Section 156(3) of Cr.P.C. Being aggrieved by the said order, this writ petition has been filed.

3. The learned counsel for the respondent no.3-original complainant states that the complainant and the present petitioner have amicably settled the matter between themselves as per the settlement dated 5.10.2006 which is at Exhibit-B to the petition. An affidavit has also been tendered by the counsel for the respondent no.3-original complainant. In the said affidavit, it is stated that the petitioners and the complainant have settled the dispute and executed settlement dated 5.10.2006. It is further stated that in view of the aforesaid settlement, the complainant has no objection for quashing said MECR and proceedings relating thereto as against the petitioners.

4. In view of the settlement and submissions made by the learned counsel for respondent no.3-original complainant and the affidavit tendered by the

original complainant, MECR and the proceedings relating thereto are quashed in respect of the present petitioners only. It is made clear that the said case in respect of other accused, would go on. Interim orders stand vacated.

5. Writ petition is disposed of.

[V.K.Tahilramani, J.]